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sary to enable the court to do justice between the parties, an order of reference will not be entered until its propriety has been made to appear by the evidence; and if such a case be submitted upon the bill without proof and an answer denying its allegations, it should be dismissed; but where there is nothing in the pleadings and proofs to make an account proper and necessary, and the court has improvidently granted an order of reference, it is harmless error, for which the cause should not be reversed.

2. CHANCERY PRACTICE—*Estimates of values—General average of values.* All estimates of values are uncertain, and where the credibility and integrity of the witnesses are unimpeached, and none of them enjoy peculiar opportunities or advantages in forming their estimate, it is not error to take the average estimate of all of them.

3. TRUSTS AND TRUSTEES—*Trustee-purchaser—Voidable sale—Rights of creditors.* A trustee cannot purchase the trust-subject from the beneficiary, regardless of the question of good or bad faith in the premises. The transaction, however, is not void, but voidable only, but only voidable at the instance of the beneficiary. The privilege of avoidance does not extend to the creditors of the beneficiary, though the relations of the parties may be considered in determining the question of actual fraud raised by creditors of the beneficiary.

4. CHANCERY PRACTICE—*Cancellation—Inadequacy of price.* Mere inadequacy of price, if so gross as to shock the conscience and furnish satisfactory and decisive evidence of fraud, is sufficient ground for cancelling a conveyance or contract.

5. CHANCERY PRACTICE—*Cancellation—Bad faith and inadequacy.* Bad faith, undue advantage taken, or oppression exercised, or undue influence exerted, coupled with inadequacy of price, will induce a court of equity to grant relief, defensive or affirmative.

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HUGHES V. WILLIAMS.—Decided at Richmond, March 14, 1901.—

*Curdwell, J. Absent, Whittle, J:*

1. TRUSTS AND TRUSTEES—*Discretionary trust—Imperative power.* A trust cannot be said to be discretionary which requires the trustee to provide and supply all necessary provisions and supplies for the grantor and his minor children, and creates a charge therefor on the corpus of the estate granted. Supplies furnished by a stranger to the grantor and his minor children would have become a charge upon the trust property had the trustee declined to execute the trust. The power conferred was imperative, and if not exercised by the trustee, a court of equity had jurisdiction to carry it into execution.

2. TRUSTS AND TRUSTEES—*Care required of trustee.* The trustee in a deed of trust containing such powers and authority as above stated is held to the same degree of prudence and care as a reasonably prudent and careful man would exercise in the conduct of his own affairs under like circumstances.

3. TRUSTS AND TRUSTEES—*Expenditure of corpus.* Under the terms of the above trust, the trustee had the right to charge the corpus of the trust subject with the necessary support of the grantor and his minor children, and having in good faith expended more than the full value thereof in a manner fully authorized by the provisions of the deed, there is nothing left for division among the heirs of the grantor.